

UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS**FILED**

August 04, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUnited States of America
v.BY: Jackson
DEPUTY

Case No. SA-21-MJ-866

DONYA WAITERS

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2021 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

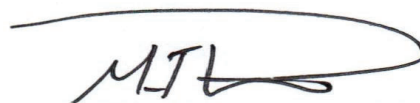
18 U.S.C. § 924(c)

Possession of Firearm in Furtherance of a Drug Trafficking Crime

PENALTIES: Not less than 5 Years Imprisonment, \$250,000 Fine, 5
Years Supervised Release, \$100 Mandatory Special Assessment.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*Matthew Roe, FBI Special Agent*Printed name and title*

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: August 4, 2021 at 1:42pm*Judge's signature*City and state: San Antonio, TexasElizabeth S. Chestney, U.S. Magistrate Judge*Printed name and title*

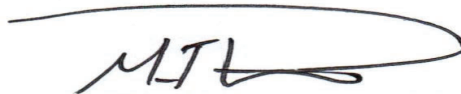
**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Matthew Roe, being duly sworn do hereby depose and state:

1. Your affiant is currently employed as a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and has been so employed by the FBI since July 2010. I was previously employed by the South Charleston Police Department in West Virginia. I am currently assigned to the San Antonio FBI Safe Streets Task Force. My responsibilities include investigating violent gangs in the San Antonio area.
2. On June 2, 2021, in the Western District of Texas, San Antonio Police Department (SAPD) Street Crimes Unit (SCU) Officer Reynaldo Sanchez was patrolling the San Antonio east patrol area when he was advised that Detective Jaimes and Detective Carmona had observed **DONYA WAITERS**, a documented “Crip” gang member, on foot near the 200 block of Ferris Avenue. Waiters was known to frequent the area and, at the time, had nine active county warrants. The warrants included unlawful carrying of a weapon (x3), failure to provide information to law enforcement, evading arrest with a vehicle, possession of marijuana (x2), and evading arrest (x2).
3. SAPD Eagle (Helicopter) was requested because of Waiters’ proclivity to run from police when approached. While SAPD Eagle was conducting surveillance, Waiters was observed walking to a 2016 Silver Chrysler 200 bearing a temporary Texas license plate. Waiters was seen entering the vehicle and sitting in the driver’s seat for a brief period. Waiters was the only person observed sitting in the vehicle. Waiters then exited the vehicle and walked to the street, where a silver four door vehicle was parked. Waiters was observed leaning into the vehicle and completing a hand-to-hand transaction with an occupant of the vehicle. The vehicle then left as Waiters walked away and sat down in a chair along the roadside.
4. Officer Sanchez and other officers in the area were advised of Waiters’ clothing description, which was a gray shirt, gray shorts, and a pair of orange and white shoes. Officers approached Waiters in unmarked patrol vehicles, in an attempt to place Waiters in custody for his active warrants. Officers utilized their vehicle’s emergency lights. Upon seeing the police vehicles, Waiters stood up and ran on foot, away from officers.
5. Officer Sanchez then exited his vehicle, in full police uniform, and pursued Waiters on foot. At one point during the pursuit, Waiters collided with Officer Sanchez. Waiters ran for a short distance and lost his footing. As Waiters fell to the ground, Officer Sanchez saw Waiters throw a plastic baggie under a nearby parked vehicle. A Chrysler vehicle key fob fell out of Waiters’ pocket when he fell to the ground. The fob was confirmed to belong to the above-mentioned Chrysler 200. SAPD took Waiters into custody without further incident. Waiters stated that he had run from officers because he was aware of his active warrants.

6. Officer Sanchez advised Officer Vega that Waiters had thrown an item near the parked vehicle. Officer Vega located a plastic baggie containing multiple pieces of white “crack” cocaine (9 grams). The suspected crack cocaine field tested positive for the presence of cocaine.
7. Detective Jaimes obtained a search warrant for the silver Chrysler 200. The vehicle was searched and found to contain a black Ruger 5.7X28 handgun bearing serial number 64222334. Officer Lozano located the firearm under the driver’s seat. Also located in the vehicle were approximately 143.1 grams of marijuana, a digital scale, and a bottle of codeine/promethazine (416.1 grams).
8. Based on my training and experience, Waiters’ actions, including Waiters walking to and from his vehicle and the quick, furtive hand-to-hand transaction observed by Eagle and detectives on the ground, are indicative of common methods used by narcotics traffickers for distribution. A common tactic or practice used in high drug trafficking areas is for dealers to have a central location where they store and/or hide their narcotics for sale. Dealers will often use an unsuspecting area or item to conceal their narcotics. In this case, Waiters appeared to be using his vehicle for this purpose. Utilizing these tactics ensures that if the dealer is robbed or stopped by police, the dealer is not in possession of a large amount of narcotics, so the loss is minimized and the dealer will be charged with a lesser crime. Individuals who distribute narcotics in this manner are oftentimes armed with a firearm or have a firearm near the narcotics stash for protection or intimidation purposes. Your affiant believes Waiters knowingly carried a firearm in his vehicle for these purposes.
9. Based on the above facts, your affiant believes there is probable cause that **DONYA WAITERS** committed the offense of Possession of Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c).



Special Agent Matthew Roe
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4TH DAY OF AUGUST, 2021.



HONORABLE ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE